

# EXHIBIT 3

JAMES v. HAMPTON, ET AL.

HON. VALDEMAR L. WASHINGTON

January 17, 2018

*Prepared for you by*



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HON. VALDEMAR L. WASHINGTON  
January 17, 2018

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">IN THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION</p> <p>SYLVIA JAMES, Plaintiff, vs. Case No. 2:12-cv-10273 Hon. Paul D. Borman Magistrate Judge R. Steven Whalen HILLIARD HAMPTON, et al., Defendants.</p> <hr/> <p>The Deposition of HON. VALDEMAR L. WASHINGTON Taken at 718 Beach Street, Flint, Michigan, Commencing at 9:54 a.m., Wednesday, January 17, 2018, Before Kathryn L. Janes, CSR-3442, RMR, RPR.</p>	<p style="text-align: right;">Page 3</p> <p>1 ADAM T. RATLIFF 2 Warner Norcross &amp; Judd LLP 3 2000 Town Center 4 Suite 2700 5 Southfield, Michigan 48075 6 248.784.5154 7 aratliff@wnj.com 8 Appearing on behalf of the Defendant Fischer. 9 10 MELISSA D. WOJNAR-RAYCRAFT 11 The Mike Cox Law Firm 12 17430 Laurel Park Drive, North 13 Suite 120 East 14 Livonia, Michigan 48152 15 734.591.4002 16 mraycraft@mikecoxlaw.com 17 Appearing on behalf of the Defendant Anderson. 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: 2 3 JOSHUA A. FISHER 4 Morganroth &amp; Morganroth, P.L.L.C. 5 344 North Old Woodward Avenue 6 Suite 200 7 Birmingham, Michigan 48009 8 248.864.4000 9 jfisher@morganrothlaw.com 10 Appearing on behalf of the Plaintiff. 11 12 DOUGLAS G. POWE 13 Michigan Attorney General 14 525 Ottawa Street 15 5th Floor 16 Lansing, Michigan 48933 17 517.335.7193 18 powed1@michigan.gov 19 Appearing on behalf of the Defendants, JTC, Washington 20 and Green. 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 TABLE OF CONTENTS 2 3 WITNESS PAGE 4 HON. VALDEMAR L. WASHINGTON 5 6 EXAMINATION 7 BY MR. FISHER: 5 8 EXAMINATION 9 BY MS. WOJNAR-RAYCRAFT: 42 10 RE-EXAMINATION 11 BY MR. FISHER: 55 12 RE-EXAMINATION 13 BY MS. WOJNAR-RAYCRAFT: 57 14 RE-EXAMINATION 15 BY MR. FISHER: 58 16 17 EXHIBITS 18 19 EXHIBIT PAGE 20 (Exhibits attached to transcript.) 21 22 DEPOSITION EXHIBIT 1 11 23 DEPOSITION EXHIBIT 2 17 24 25</p>

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<p style="text-align: right;">Page 5</p> <p>1 Flint, Michigan 2 Wednesday, January 17, 2018 3 9:54 a.m. 4 5 HON. VALDEMAR L. WASHINGTON, 6 was thereupon called as a witness herein, and after 7 having first been duly sworn to testify to the truth, 8 the whole truth and nothing but the truth, was 9 examined and testified as follows: 10 EXAMINATION 11 BY MR. FISHER: 12 Q. Judge Washington, my name's Josh Fisher. I'm one of 13 the attorneys for the plaintiff in this matter. 14 Let the record show this is the deposition 15 of Judge Valdemar Washington taken pursuant to notice 16 under the Federal Rules of Civil Procedure. 17 Judge, I'll be asking you a series of 18 questions and your answers are given under oath; do 19 you understand that? 20 <b>A. Yes.</b> 21 Q. You have to answer verbally so your answer can be 22 recorded by the court reporter; do you understand? 23 <b>A. Yes.</b> 24 Q. You must answer -- if you don't understand a question, 25 just say so and I'll try to clarify. And you have to</p>	<p style="text-align: right;">Page 7</p> <p>1 Q. And are you a member of the State Bar of Michigan? 2 <b>A. I am.</b> 3 Q. Are you a member of any other state bars? 4 <b>A. No.</b> 5 Q. Any federal bars? 6 <b>A. Yes. Eastern District of Michigan and Western</b> 7 <b>Michigan.</b> 8 Q. Have you ever been the subject of any professional 9 discipline? 10 <b>A. No.</b> 11 Q. Are you a member of any professional associations? 12 <b>A. I don't think so.</b> 13 Q. The American Bar Association? 14 <b>A. Nope.</b> 15 Q. Will you describe your employment history beginning 16 from undergraduate college forward or I suppose if you 17 weren't employed in law school, maybe from law school. 18 <b>A. I can give you the whole thing. I was an RA for</b> 19 <b>Wonders Hall at Michigan State for which I received</b> 20 <b>tuition and room and board -- excuse me, I received</b> 21 <b>room and board. When I graduated, I went to Ann</b> 22 <b>Arbor. I worked as a lifeguard at an outdoor pool and</b> 23 <b>night watchman until school started. When school</b> 24 <b>started I had a job in the law library and I also</b> 25 <b>worked indoors as a lifeguard at an indoor pool. That</b></p>
<p style="text-align: right;">Page 6</p> <p>1 let me finish my entire question before you answer 2 just to ensure that the court reporter can take 3 everything down. She can't record two people talking 4 at once. 5 <b>A. Would you like me to acknowledge that I understand</b> 6 <b>that?</b> 7 Q. I have a feeling that you understood. 8 <b>A. I do.</b> 9 Q. If I interrupt you or you haven't completed your 10 answer, just let me know and I'll permit you to 11 finish. And of course, if you need a break at any 12 time, just let me know and as long as I can finish a 13 question, I imagine we can be out of here pretty 14 quickly. 15 <b>A. Fair enough.</b> 16 Q. What is your full name? 17 <b>A. Valdemar Luther Washington.</b> 18 Q. And your date of birth? 19 <b>A. June 21, 1952.</b> 20 Q. And if we could go through just your formal education 21 after high school, starting with the earliest school. 22 <b>A. I went to Michigan State University from 1970 to '74.</b> 23 <b>I graduated with a bachelor's of arts in</b> 24 <b>communication. I went to the University of Michigan</b> 25 <b>Law School. I graduated in December of 1976.</b></p>	<p style="text-align: right;">Page 8</p> <p>1 was through the two-and-a-half years of law school. 2 I left the University of Michigan and began 3 working in March of 1977 for the Baker Law Firm in Bay 4 City. I stayed there through the end of 1977 when I 5 moved to Flint. I became employed immediately upon 6 moving to Flint by the Accounting Aid Society of 7 Greater Flint. I also started a small private 8 practice at the same time. I stayed with the 9 Accounting Aid Society until June of 1978, and then I 10 left the Accounting Aid Society and began practicing 11 full time. 12 I continued as a private practitioner until 13 April the 14th of 1986, at which time I was appointed 14 to the Genesee County Circuit bench by Governor Jim 15 Blanchard. I spent ten years as a circuit court judge 16 from 1986 until it was July 1st of 1996. 17 I then resumed private practice for two 18 years when I was engaged as the special master for 19 Detroit Edison Company. They had several employee 20 class action lawsuits that were coming together in the 21 consent judgment and they needed someone to kind of 22 run things and implement human resources programs for 23 the next five years. The assignment lasted an 24 additional year because there was work that should 25 have been done by the company that wasn't completed in</p>

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<p style="text-align: right;">Page 9</p> <p>1 the initial five-year term. They didn't want an 2 extension of the consent judgment, so they asked me if 3 I would be willing to do an additional year on a 4 contractual basis which I agreed to.</p> <p>5 At the end of that time, I continued a 6 private practice and I moved back to Flint roughly, 7 oh, I think it was July of 2006 where I continued 8 again the private practice. In I think it was 9 December of 2007, I became employed by the State of 10 Michigan, Department of Treasury as deputy state 11 treasurer for local government services, that position 12 lasted until the end of 2010, December 31st.</p> <p>13 I then was asked by the State Court 14 Administrator's Office to become a visiting judge for 15 the 22nd District Court in Inkster and I began that 16 position or those duties on April the 14th of 2011, 17 and those duties lasted to the end of 2011. I then 18 began private practice again in April of 2012, which I 19 am continuing today.</p> <p>20 I also along the way did some alternative 21 dispute resolution assignments under the company that 22 I formed in 1996 by the name of Settlemate, 23 S-E-T-T-L-E-M-A-T-E.</p> <p>24 Q. I don't think I've ever heard anybody be so detailed 25 and remember everything so well, that's impressive.</p>	<p style="text-align: right;">Page 11</p> <p>1 you had received that letter?</p> <p>2 A. I don't know if I had or not. But I know that what 3 was in the letter to me reflected what I was -- what I 4 understood to be my charge as the interim chief judge.</p> <p>5 Q. I'm going to introduce this as Exhibit 1.</p> <p>6 MARKED FOR IDENTIFICATION: 7 DEPOSITION EXHIBIT 1 8 10:02 a.m.</p> <p>9 BY MR. FISHER:</p> <p>10 Q. Sir, I'm handing you what's marked as Exhibit 1 which 11 is the April 15, 2011 letter from Mr. Schmucker to 12 yourself. Do you see that this letter, Judge, lists 13 it looks like seven matters that appear to have come 14 to the Supreme Court Administrator Offices' attention 15 regarding the 22nd District Court?</p> <p>16 A. Yes.</p> <p>17 Q. We'll just hold off on this stuff for just a moment. 18 But when you arrived at the 22nd District Court, did 19 you speak with Ms. Pamela Anderson?</p> <p>20 A. I did.</p> <p>21 Q. And what was the nature and substance of the 22 discussion?</p> <p>23 A. What am I supposed to do now that I'm here.</p> <p>24 Q. And did she -- what did she tell you?</p> <p>25 A. Well, she mentioned that there were a number of</p>
<p style="text-align: right;">Page 10</p> <p>1 Do you know how you were selected to be the 2 interim chief judge of the 22nd District Court?</p> <p>3 A. I don't know for certain, but I know that one of the 4 requirements if you're going to be appointed as a 5 visiting judge is that you can't have a private 6 practice. I didn't at that time. And I was also 7 African-American and I think that may have had 8 something to do with my selection as well.</p> <p>9 Q. And who informed you that you were going to be taking 10 that position?</p> <p>11 A. I believe I initially got a call from Deborah Green 12 and she and I had had some contact when I was on the 13 circuit court bench so I knew her by name, but I 14 didn't recall her specifically. I then got a 15 follow-up call from Chief Justice Robert Young who 16 specifically asked me if I would consider taking the 17 assignment and I agreed to.</p> <p>18 Q. Do you recall an April 15, 2011 letter from Chad 19 Schmucker confirming your appointment?</p> <p>20 A. Yes. I mean, I remember it, I don't remember the 21 details of it, but yes, I did get a letter confirming 22 my appointment.</p> <p>23 Q. Do you know who Mr. Schmucker is?</p> <p>24 A. He was at that time state court administrator.</p> <p>25 Q. Had you had previously spoken to Mr. Schmucker before</p>	<p style="text-align: right;">Page 12</p> <p>1 visiting judges that were coming through and helping 2 with the docket so that I was not expected to handle 3 any in-courtroom matters and that was fine with me. I 4 had never been a district court judge. I didn't 5 practice regularly in district court and felt a little 6 bit like a fish out of water in terms of the 7 procedures or the manner of going through things in 8 district court. I was able to handle the 9 administrative matters, the items that were set forth 10 in Exhibit 1.</p> <p>11 Q. And you mentioned it was visiting judges that were 12 actually handling the court matters?</p> <p>13 A. Correct.</p> <p>14 Q. And is it true that in July of 2011, you ended up 15 taking over handling court proceedings?</p> <p>16 A. The July 4th weekend. We couldn't get anybody to come 17 and we had business to attend to and so I put the robe 18 back on.</p> <p>19 Q. Was there any visiting judges that were -- okay.</p> <p>20 A. Nobody was willing to work the July 4th -- I forget 21 what day the 4th fell on, but I knew that we had 22 business that had to be conducted during that holiday 23 period.</p> <p>24 Q. And I'm referencing this April 15th letter from 25 Mr. Schmucker. He asked you to attempt to locate</p>

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1 certain documents; is that correct?  
 2 **A. Yes, item number 4, any records or recollections to**  
 3 **justify the additional expenditures of \$50 per diem**  
 4 **for seven days when the conference was four days.**  
 5 Q. That was for the drug court?  
 6 **A. Yes, National Drug Court Conference in Boston in 2010.**  
 7 Q. Do you see -- were you finished?  
 8 **A. I'm just looking through the rest of the items.**  
 9 Q. Sure, oh, take your time, please.  
 10 **A. That's the only reference that I see in Exhibit 1 to**  
 11 **reviewing documents.**  
 12 **Q. Do you see item 2, that Mr. Schmucker had been asking**  
 13 **you to attempt to locate certain 1099s for employees?**  
 14 **A. Yes.**  
 15 Q. Do you recall doing that?  
 16 **A. I did.**  
 17 Q. Did you end up finding them?  
 18 **A. No. There weren't any.**  
 19 Q. And as far as the items that Mr. Schmucker asked you  
 20 to look into, do you know why you were asked to  
 21 investigate these items?  
 22 **A. No.**  
 23 Q. Wasn't the JTC conducting an investigation into Sylvia  
 24 James at the time?  
 25 **A. They may well have been, but I didn't know that when I**

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1 expenditures?  
 2 **A. I didn't find any records that would explain a request**  
 3 **for \$50 a day per diem for seven days when the**  
 4 **conference was for four days. So the answer to the**  
 5 **question is no, there were no records to support this**  
 6 **limited assignment.**  
 7 **Q. Did you find anything else regarding the drug**  
 8 **conference and the trip?**  
 9 **A. This one specifically in 2010?**  
 10 Q. Uh-huh.  
 11 **A. Not that I recall.**  
 12 Q. Were there other years that you had looked into or  
 13 found items for?  
 14 **A. Yes.**  
 15 **Q. And did you provide those to SCAO?**  
 16 **A. Yes.**  
 17 Q. If I say SCAO, you understand State Court  
 18 Administrators?  
 19 **A. I understand, yes.**  
 20 **Q. Where did you find those items?**  
 21 **A. In the stack of travel documents that I got from**  
 22 **Ms. Anderson.**  
 23 Q. Do you know where Ms. Anderson got those from?  
 24 **A. I think those were records that she kept as the court**  
 25 **administrator.**

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1 talked to Judge Schmucker and/or got this letter.  
 2 **Q. Did anyone at the JTC ask you to investigate anything?**  
 3 **A. No.**  
 4 **Q. As far as the 1099s go, did you ask anybody to assist**  
 5 **you looking for those?**  
 6 **A. I think I asked Ms. Anderson, were there any 1099s**  
 7 **that were issued to the court employees who were**  
 8 **working in the Community Service Program.**  
 9 Q. And I think you testified that you did not find any?  
 10 **A. That is correct.**  
 11 Q. And back to I think it was item 4 for the expenditures  
 12 for the -- regarding the drug court conference, did  
 13 you try to look for those records?  
 14 **A. I think I --**  
 15 Q. For the expenditures?  
 16 **A. I think I asked, in fact, I know I asked Ms. Anderson**  
 17 **for any travel related records that she had relating**  
 18 **to Judge James and/or the -- I think it was just**  
 19 **travel related documents, yeah.**  
 20 **Q. And it sounds like you had likely asked Ms. Anderson**  
 21 **to assist you with that, did you ask anybody else --**  
 22 **A. No.**  
 23 Q. -- to assist you with that?  
 24 And you didn't end up finding any records  
 25 regarding that drug conference, regarding

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1 Q. And Judge James had an office at the 22nd District  
 2 Court; is that correct?  
 3 **A. Yes.**  
 4 **Q. Was the office locked when you arrived?**  
 5 **A. It was.**  
 6 **Q. Do you know who had the keys to the office?**  
 7 **A. I do.**  
 8 **Q. Who was that?**  
 9 **A. Ms. Anderson.**  
 10 **Q. Did she end up giving them to you?**  
 11 **A. She gave me a key, yes, so that I could open the door.**  
 12 Q. Did she keep a key for herself?  
 13 **A. I don't know.**  
 14 Q. And you used that space as your office; is that right?  
 15 **A. Yes, I did.**  
 16 Q. There was a safe in the office; is that correct?  
 17 **A. I now know there was a safe. I didn't know there was**  
 18 **a safe when I started using the office.**  
 19 Q. Okay. And since you just testified that you weren't  
 20 aware -- well, strike that.  
 21 At some point while you were working there,  
 22 did you become aware that there was a safe?  
 23 **A. I did.**  
 24 **Q. Are you aware that the safe was locked at the time**  
 25 **that you got there at the court?**

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1 **A. I was. You have to understand -- you're calling it a**  
2 **safe, the outward appearance was that it was a filing**  
3 **cabinet. When I tested the door when I got there, it**  
4 **was locked.**  
5 Q. Uh-huh. Did it -- if I refer to it as a safe, you'll  
6 understand what I mean?  
7 **A. Yep.**  
8 Q. And let's just --  
9 MR FISHER: I might as well get this out  
10 here and introduce, it might be the last exhibit. Can  
11 you mark this as Exhibit 2. There's two pages.  
12 MARKED FOR IDENTIFICATION:  
13 DEPOSITION EXHIBIT 2  
14 10:11 a.m.  
15 BY MR. FISHER:  
16 Q. I'm going to hand you what is marked as Exhibit 2, it  
17 looks like the second page I guess is just a sticker  
18 from likely the JTC hearing, it says Respondent's  
19 Exhibit 2. I'm more concerned with the first page.  
20 Does that look familiar?  
21 **A. No.**  
22 Q. It does not?  
23 **A. No.**  
24 Q. Does this look like -- it does not look anything like  
25 what you saw in Sylvia James' office?

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1 **A. What's in Exhibit 2 shows a handle and a combination**  
2 **lock on the front door. I never saw anything that**  
3 **looked like that.**  
4 Q. Okay.  
5 **A. There was -- there was an outward covering, for lack**  
6 **of a better word, that looked like a normal file**  
7 **cabinet that had a handle on it that had a keyhole for**  
8 **the lock. What I -- what I'm familiar with was the**  
9 **exterior. I don't ever remember seeing what's in**  
10 **Exhibit 2.**  
11 Q. Okay. Do you know if anybody at the 22nd District  
12 Court had a key to this cabinet that you're referring  
13 to?  
14 **A. I don't.**  
15 Q. You mentioned that you had spoken with Deb Green, do  
16 you know what her job was at the time?  
17 **A. Yes.**  
18 **Q. You had testified that you had discussions with Deb**  
19 **Green prior to the time you took the position as**  
20 **acting chief judge of the 22nd District Court.**  
21 **A. Yes.**  
22 **Q. Did you have any discussions with Ms. Green after you**  
23 **became chief judge?**  
24 **A. Oh, yeah, I'm sure I did.**  
25 Q. Do you recall meeting with her on July 14, 2011?

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1 **A. Yes.**  
2 Q. Do you know who was present at the meeting?  
3 **A. Well, it wasn't a meeting meeting, it was the -- that**  
4 **was the date that was agreed upon for Judge James to**  
5 **come back to the court to have items, personal items**  
6 **removed at her direction. So Judge James was there,**  
7 **Mr. Thomas was there, his assistant, Vie, and I can**  
8 **never pronounce her last name so I'm not going to try.**  
9 **Attorney McPhail was there, Deb Green was there, I was**  
10 **there, and there were two men who were movers, but I**  
11 **didn't ever get introduced to them to know their**  
12 **names. So when you asked me if there was a meeting,**  
13 **yes, we met, but there wasn't a discussion meeting**  
14 **between Ms. Green --**  
15 Q. It wasn't sitting down at a table?  
16 **A. That's correct.**  
17 Q. And when were the other instances that you  
18 communicated with Ms. Green after you had taken the  
19 position as chief judge?  
20 **A. I think on a regular basis I was reporting to her**  
21 **because she was the -- that region, I don't remember**  
22 **if it was Region 1, but she was a Region 1**  
23 **administrator for the State Court Administrative**  
24 **Office, and I was required to report on a regular**  
25 **basis what was going on in the 22nd District Court and**

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1 **I don't remember now if it was weekly or monthly or**  
2 **biweekly, but I know that there were regular reports**  
3 **that I sent to Ms. Green and I think I copied Judge**  
4 **Schmucker as well.**  
5 Q. So those weren't just orally, you were preparing  
6 something that was on paper --  
7 **A. Yes.**  
8 Q. -- and being sent to her?  
9 **A. Yes.**  
10 Q. What were the substance of what you would be putting  
11 in the reports, if you can recall?  
12 **A. Well, the progress on the items set forth in**  
13 **Exhibit 1, the administrative and/or procedural**  
14 **aspects of running the court when we were without**  
15 **visiting judges, the issues as relates to former**  
16 **Magistrate Bowdish, the issue related to the Community**  
17 **Service van, the issues related to the Community**  
18 **Service Program, the issues related to travel expenses**  
19 **for which Judge James had been reimbursed by the City**  
20 **of Inkster in advance of her trip. From my view, she**  
21 **had used frequent flyer miles to buy the ticket,**  
22 **paying only the tax of I think \$7.50, and then not**  
23 **reimbursing the City of Inkster after the trip was**  
24 **concluded for the amount that had been advanced to her**  
25 **for the plane ticket.**



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<p style="text-align: right;">Page 21</p> <p>1           <b>There was the issue of the internal</b>  2           <b>calendar, which I never heard of before, and I</b>  3           <b>commented to Deb Green and Judge Schmucker about my</b>  4           <b>thoughts about what it meant, but I didn't have anyone</b>  5           <b>to substantiate that, it was just my view.</b>  6           <b>And then the progress we were making, I</b>  7           <b>think one of the things that we -- yeah, the audit</b>  8           <b>recommendations, number 1, there were 33 audit</b>  9           <b>recommendations from 2006 that had not been acted</b>  10           <b>upon. And I kept them apprised as to our progress in</b>  11           <b>getting through those audit recommendations and by</b>  12           <b>November the 4th or 5th of 2011, we had gotten through</b>  13           <b>all 33 of them. So those are the kinds of things that</b>  14           <b>I would report to Deb Green and Judge Schmucker about</b>  15           <b>on a regular basis.</b>  16           Q. And I know you indicated that there were written, but  17           did you ever communicate about these types of issues  18           by phone with them?  19           <b>A. With Deb Green, not with Judge Schmucker, but yes.</b>  20           Q. What about in person?  21           <b>A. I don't remember any in-person meetings other than the</b>  22           <b>one on the 14th. There may have been, I just don't</b>  23           <b>recall at this time.</b>  24           Q. And was anybody else involved on discussions over the  25           telephone that you may have had with Ms. Green?</p>	<p style="text-align: right;">Page 23</p> <p>1           Q. Oh, so what you can see in Exhibit 2, that was  2           revealed?  3           <b>A. On July 14th.</b>  4           Q. Once you're saying a file cabinet or something was  5           opened?  6           <b>A. Yes.</b>  7           Q. I see. Did you take any steps to ensure that Judge  8           James' safe wouldn't be disturbed while you were  9           there?  10           <b>A. I didn't know there was a safe there. I kept asking</b>  11           <b>the judge when I spoke to her in April as well as when</b>  12           <b>I spoke to Attorney McPhail, tell me what you want?</b>  13           <b>What items here can we get to you, please tell me.</b>  14           <b>And I never once heard, well, I have a personal safe</b>  15           <b>there.</b>  16           Q. Right. And relatedly, you had a telephone  17           conversation with Sylvia James on April 21, 2011; is  18           that correct?  19           <b>A. I think that sounds right, yeah.</b>  20           Q. And she was asking to come to the court to pick up her  21           check and her belongings; is that right?  22           <b>A. That's correct. And actually it was a little more</b>  23           <b>involved than that, she told me that she had the</b>  24           <b>permission of the chief justice of Michigan Supreme</b>  25           <b>Court to come to the building and pick up her check</b></p>
<p style="text-align: right;">Page 22</p> <p>1           <b>A. Not that I can recall, no.</b>  2           Q. And the reports that you were sending, you stated were  3           to Ms. Green and were copied to Mr. Schmucker, was  4           anybody else privy to those, that you're aware of?  5           <b>A. I don't think so, because of my assignment as the</b>  6           <b>interim chief judge. It was my view that the only</b>  7           <b>people that had any right to the information existed</b>  8           <b>in the State Court Administrator's Office.</b>  9           Q. Were you aware that Ms. Green and Mr. Schmucker agreed  10           that Sylvia James' safe wouldn't be disturbed without  11           her being there, and again, when I state safe, I'm  12           referring to what we were talking about earlier?  13           <b>A. No, I didn't know anything about that. I didn't know</b>  14           <b>there was a safe until July the 14th when Mr. Thomas</b>  15           <b>painted out to me that the outer doors had been</b>  16           <b>jimmied and that the safe was inside of the outer</b>  17           <b>doors.</b>  18           Q. And you just mentioned the safe was inside the outer  19           doors, so was something, you're saying there was  20           something that resembled a safe once that was opened?  21           <b>A. Yeah. This picture here, the only part that I</b>  22           <b>remember seeing was the dial. I don't remember seeing</b>  23           <b>the handle, but the dial that's in Exhibit 2, I saw</b>  24           <b>that when Mr. Thomas showed it to me the day,</b>  25           <b>July 14th of 2011.</b></p>	<p style="text-align: right;">Page 24</p> <p>1           <b>and her belongings and I told her that I had not heard</b>  2           <b>that, and when I checked with the State Court</b>  3           <b>Administrative Offices, they said that that was not</b>  4           <b>true.</b>  5           Q. And you'd told her that you'd get her the check, but  6           that she wasn't to come into the court; is that right?  7           <b>A. I told her I would get her check and any other items</b>  8           <b>that she could identify that she wanted, yes, I did</b>  9           <b>tell her that.</b>  10           Q. And also that she wasn't to come to the court?  11           <b>A. I absolutely told her that, yeah.</b>  12           Q. Right. And did you have her paycheck delivered to  13           her?  14           <b>A. As far as I know, it was delivered to her. I gave it</b>  15           <b>to her niece, Nicole James, and she then I think</b>  16           <b>delivered it to her house.</b>  17           Q. And so when you first came to the 22nd District Court,  18           you obviously entered Sylvia James' office?  19           <b>A. I did.</b>  20           Q. Was anybody else with you?  21           <b>A. I don't think they were, no.</b>  22           Q. You don't recall that Pamela Anderson was with you  23           when you were going inside of Judge James' office?  24           <b>A. She may have been, yeah. I know I got the key from</b>  25           <b>her. I don't recall now whether or not she gave me</b></p>



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1 the key and pointed me to the office or gave me the  
2 key and accompanied me to the office. I think it was  
3 probably the latter, that she accompanied me because I  
4 would not have necessarily known where it was.  
5 Q. Do you recall going into her office on April 14, 2011?  
6 A. I do.  
7 Q. And what did you do on that date?  
8 A. Tried to find a place to sit and do some work.  
9 Q. Because that was going to be used as your office,  
10 right?  
11 A. It was. And it was pretty packed full of stuff.  
12 Q. And you'd mentioned earlier, you didn't notice the  
13 safe?  
14 A. The safe was in the bathroom and I couldn't find the  
15 bathroom. I had to ask the court officer, is there a  
16 bathroom in here? And he showed me where the bathroom  
17 was.  
18 Q. And you recall that Sylvia James had mentioned that  
19 she had thought somebody tampered with her safe; is  
20 that right?  
21 A. I heard that accusation from her lawyer. I don't know  
22 that I heard it directly from Judge James.  
23 Q. Did you ever end up hearing that from Deb Green?  
24 A. You mean before the 14th of July of 2011?  
25 Q. Yes.

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1 A. That was the only day that any discussion about a safe  
2 came to my attention.  
3 Q. Because certainly you wouldn't have heard anything  
4 before that date?  
5 A. That is correct.  
6 Q. How about after, did Deb Green say anything to you  
7 about Judge James' concern that somebody had tampered  
8 with her safe?  
9 A. No. Not that I recall. The only follow-up -- the  
10 only follow-up that I recall related to the safe was  
11 when I spoke to Lieutenant Smith of the Inkster Police  
12 Department in the alley behind the courthouse as I was  
13 leaving for the day and he said a complaint had been  
14 filed about the damage or tampering with Judge James'  
15 safe. And I told him what I knew and that was the  
16 last I heard of anything other than in this lawsuit.  
17 Q. Was there any -- and I'm referring to the meeting  
18 with -- I guess we'll call it a meeting, on July 14,  
19 2011, with Mr. Thomas and Ms. McPhail, you had  
20 mentioned that the purpose was Judge James was coming  
21 to pick up some of her belongings.  
22 A. Yes.  
23 Q. Was there any other purpose to the meeting, to your  
24 knowledge?  
25 A. I don't know if there was an additional purpose.

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1 There may have been the desire to get certain  
2 documents to help Judge James in terms of her defense  
3 of the Complaint that had been filed against her. I  
4 know that the next day, the 15th, I got I think it was  
5 a 25 point Request for Production of Documents from  
6 Mr. Thomas, and so I assumed that that came out of  
7 that meeting on the 14th, but I couldn't swear to  
8 that.  
9 Q. Did you direct Nicole James to clean up the chambers  
10 area?  
11 A. I asked her if she would be willing to. She was both  
12 the judge's niece and her secretary when I arrived on  
13 the 14th of April. I couldn't find a place to sit and  
14 work, and I said I need someplace to do my work here.  
15 And I asked her -- and if I remember correctly, the  
16 credenza that was immediately behind the desk was  
17 literally piled high with legal pads and one thing or  
18 another, and I asked Nicole if she wouldn't mind, the  
19 items that were clearly her aunt's personal items,  
20 boxing them up and getting them so -- getting them  
21 together so we could get them to her. And she did  
22 come to me I think it was later that afternoon or  
23 maybe the next day and said I've run out of boxes, and  
24 we then used garbage bags for her to put the items in  
25 and we put those garbage bags in the furnace room area

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1 and the boxes I know were placed in a station wagon at  
2 Nicole's direction and presumably delivered to Judge  
3 James.  
4 Q. You left it to Nicole James' discretion as to what  
5 would be packed up for Judge James?  
6 A. Yes, I did.  
7 Q. Did you ever ask Nicole James to break into the safe?  
8 A. No. I didn't know there was a safe there.  
9 Q. Right. I think I know the answer, but you didn't ask  
10 anybody else to break into the safe?  
11 A. No.  
12 Q. You didn't ever express to anyone that you had an idea  
13 as to how to get into the safe?  
14 A. I didn't know the safe was there.  
15 Q. Did you remove any documents from Judge James'  
16 chambers?  
17 A. You mean other than files?  
18 Q. I guess anything.  
19 A. I know that I -- I know that there were legal pads and  
20 when you say removed them, I would have moved them. I  
21 didn't take anything out of the building, no.  
22 Q. So it would be fair to say that you didn't destroy any  
23 documents?  
24 A. That is correct.  
25 Q. Did you ever direct anybody to shred any documents?

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<p style="text-align: right;">Page 29</p> <p>1 A. No.</p> <p>2 Q. Are you aware that documents were shredded, though?</p> <p>3 A. No.</p> <p>4 Q. Were you present for Ms. Anderson's testimony at the</p> <p>5 JTC hearings?</p> <p>6 A. No. Well, I shouldn't say I wasn't present. I may</p> <p>7 have been there in the building, but there was a</p> <p>8 sequestration order, so I wasn't in the courtroom when</p> <p>9 she was giving her testimony.</p> <p>10 Q. Did you ever receive the transcript of that hearing</p> <p>11 testimony?</p> <p>12 A. Not from Ms. Anderson's testimony, from my testimony,</p> <p>13 yes, but not hers.</p> <p>14 Q. Were you present for any of the testimony during any</p> <p>15 of those JTC hearings?</p> <p>16 A. None other than my own.</p> <p>17 Q. So the sequester applied to everything? So it was</p> <p>18 only -- you only were there when it was your own day,</p> <p>19 there was two days?</p> <p>20 A. Actually I was there for the day I was told to be</p> <p>21 there, but whoever was ahead of me was going long and</p> <p>22 so I didn't testify the first day. I came back the</p> <p>23 next day and then I think you're right, I think I</p> <p>24 testified for a day and a half or two days.</p> <p>25 Q. Have you reviewed any other transcripts other than</p>	<p style="text-align: right;">Page 31</p> <p>1 Q. So there -- were there legal pads with writing on it</p> <p>2 that Nicole James didn't pack up that remained at the</p> <p>3 court?</p> <p>4 A. There may have been, I can't recall at this point. I</p> <p>5 don't know when I would have seen those legal pads, I</p> <p>6 know for sure when I walked in, I saw legal pads and</p> <p>7 things stacked high, and that's when I knew I couldn't</p> <p>8 work in a space like that and I needed it cleared out.</p> <p>9 Q. That was before you had Nicole James come and pack</p> <p>10 things up?</p> <p>11 A. That's correct, yes.</p> <p>12 Q. Were there legal pads remaining after Nicole James had</p> <p>13 packed up the boxes for Sylvia James?</p> <p>14 MR. POWE: I object, it's been asked and</p> <p>15 answered.</p> <p>16 Go ahead.</p> <p>17 BY MR. FISHER:</p> <p>18 Q. I don't think I asked about whether legal pads were</p> <p>19 remaining.</p> <p>20 A. I don't recall when I saw the legal pads other than</p> <p>21 right there on April the 14th of 2011.</p> <p>22 Q. Okay. So that was before Nicole James had picked</p> <p>23 everything up?</p> <p>24 A. That's correct.</p> <p>25 Q. Okay. Because my question was just -- because you had</p>
<p style="text-align: right;">Page 30</p> <p>1 your own --</p> <p>2 A. No.</p> <p>3 Q. -- from the JTC hearings?</p> <p>4 A. I have not.</p> <p>5 Q. When I say the JTC hearings, you understand I'm</p> <p>6 talking about with Judge James?</p> <p>7 A. The master hearing, yes. No, I've only reviewed my</p> <p>8 own transcript because it's been several years.</p> <p>9 Q. Did you ever direct Ms. Anderson to remove any</p> <p>10 documents from Judge James' safe?</p> <p>11 A. No. I didn't know there was a safe there.</p> <p>12 Q. Back to Nicole James packing up items for Judge James,</p> <p>13 do you know what happened to any documents that Nicole</p> <p>14 James didn't pack up for Sylvia James?</p> <p>15 A. You mean what was left after she finished her work?</p> <p>16 Anything that was left, in my view, should have been</p> <p>17 related to court business or was related to court</p> <p>18 business, and so I don't exactly know what you're</p> <p>19 asking me, but I didn't see any documents that I can</p> <p>20 recall at this point. What I remember seeing were a</p> <p>21 lot of legal pads.</p> <p>22 Q. The legal pads --</p> <p>23 A. That had script, that had, you know, writing on them</p> <p>24 but didn't pertain to, you know, case files as far as</p> <p>25 I could tell.</p>	<p style="text-align: right;">Page 32</p> <p>1 mentioned that -- you had mentioned that the legal</p> <p>2 pads were stacked up?</p> <p>3 A. Yes.</p> <p>4 Q. And it made me realize that that would have been</p> <p>5 before it was cleaned up?</p> <p>6 A. Yes.</p> <p>7 Q. So I was just wondering, things that were remaining</p> <p>8 after?</p> <p>9 A. I think I had clean space after.</p> <p>10 Q. Okay.</p> <p>11 A. I know that I had an area to work in on the credenza</p> <p>12 and on the desk after Nicole James did the work that</p> <p>13 she agreed to do.</p> <p>14 Q. Okay. And to the July 14, 2011 date when Sylvia James</p> <p>15 came to pick up her materials, you said Ms. McPhail</p> <p>16 was with her?</p> <p>17 A. She was.</p> <p>18 Q. And do you know Ms. McPhail?</p> <p>19 A. I do.</p> <p>20 Q. And you knew that she was Sylvia James' counsel in</p> <p>21 connection with the JTC proceedings: is that right?</p> <p>22 A. Well, what I knew at that point I believe was that</p> <p>23 she, meaning Attorney McPhail, had done some work for,</p> <p>24 as far as I could tell, both the 22nd District Court</p> <p>25 as well as Judge James, so it didn't surprise me that</p>

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<p style="text-align: right;">Page 33</p> <p>1 she was there. I also knew that Judge James was being 2 represented by Mr. Thomas, so both of them were there. 3 It didn't surprise me. 4 Q. Do you recall on June 2, 2011, that Ms. McPhail had 5 requested that she come and pick up Judge James' 6 records so she could -- to use those records to defend 7 herself in the JTC action? 8 A. I know that we had some discussions in June, yes. 9 Q. Do you recall it being an e-mail discussion? 10 A. Yes. 11 Q. Do you know why Sylvia James wasn't permitted to pick 12 up the material until July 14th? 13 MR. POWE: Object to the form of the 14 question. 15 Go ahead, if you can. 16 A. I have a pretty good idea. 17 BY MR. FISHER: 18 Q. And why is that? 19 A. Because when I got to the court, it was clear to me 20 that Judge James in her method of managing the court 21 ruled with an iron fist. There were clerks who had 22 been there as employees for as long as Judge James had 23 been on the bench, 22 years, who had never been to her 24 chambers. They were -- they made it clear to me that 25 they were forbidden to go to her chambers and so they</p>	<p style="text-align: right;">Page 35</p> <p>1 been made towards gaining trust. 2 Q. Okay. And when Judge James did come and pick up the 3 material on July 14th, and by the way, when I say July 4 14, you understand I mean 2011? 5 A. I do. 6 Q. There's another July 14th date here. 7 That she took the bags and boxes that 8 Nicole James had packed up for her? 9 A. She took some of them. I noticed after we were 10 finished on that day, July the 14th of 2011, that the 11 items that were in the bags that Nicole James had 12 placed in the furnace room were still there, and I 13 remember talking to Mr. Thomas saying, "Hey, wait a 14 minute, what's going on? You wanted these items, 15 they're here for you, you didn't take them. Please 16 make arrangements to come get them." And I think he 17 did after that, but I can't swear to that today. 18 Q. Do you know if she took any other things from the 19 chambers? 20 A. I don't. I wasn't in the room when she was directing 21 the movers to take this and take that. I know she 22 took her two fur coats that I placed in the closet for 23 her and that I know there was some other personal 24 items, but I don't know exactly what was what. The 25 room was too small to have everybody in there.</p>
<p style="text-align: right;">Page 34</p> <p>1 were afraid to come back to the hallway to come to her 2 chambers. I said to them, I tried to make it clear to 3 them, that my style is open-door, you know, you've got 4 something to talk to me about, we've got work here to 5 do, come back and ask me. And I could not for the 6 life of me get people to walk down the hallway, they 7 would stand at the end of hallway and say, "Judge, 8 I've got a question for you, can you help me with 9 this?" To this day or to the last day that I was 10 there, Bennett, the court officer, would not come to 11 my chambers, he would stand in the hallway and say, 12 "Judge, we're ready for you." 13 So that was the -- that was the overall 14 impression that I drew both in terms of my just 15 looking at how things were being run as well as after 16 my employee interviews. And I spoke with every 17 employee on Thursday and Friday after my arrival. And 18 I got their personal assessment of things, they were 19 afraid of Judge James. And one of the things that I 20 knew we had to improve upon if we were ever to get 21 through the audit findings was morale. And so my 22 assessment was, and it was shared I think by SCAO, was 23 that if Judge James was permitted to come back to the 24 courthouse, they would be fearful of reprisals, 25 retaliation and I would lose any progress that had</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. And the safe that we've been discussing, she took 2 that? 3 A. As far as I know, that was taken that day. I don't 4 have a clear memory of it, but I know that the movers 5 had at least one dolly and I may have seen them take 6 it out, so yeah. 7 Q. And just to clarify, you testified earlier that the 8 first time you noticed that there was a safe was after 9 the door had been opened? 10 A. Correct, the outer door. 11 Q. What date was that -- 12 A. I don't know. 13 Q. -- if you recall? 14 A. That was the problem, when I spoke with Lieutenant 15 Smith, he says when did you first notice it was askew? 16 And I said I don't remember. I didn't make any 17 connection other than it was now ajar or jimmied open, 18 and it hadn't been before. 19 Q. When was the first time that you noticed the outer, 20 the fact that there was what you said was a file 21 cabinet? 22 A. That I noticed it, that there was file cabinet? 23 Q. Right. 24 A. First day I found the bathroom. It was very apparent 25 that this was a cabinet, as I said, a file cabinet</p>

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<p style="text-align: right;">Page 37</p> <p>1 with a board on top of it, that had a coffee maker 2 and, you know, personal items. 3 Q. Was the file cabinet not locked at the time that you 4 noticed it? 5 <b>A. No, it was locked. Because that's why I said I tested</b> 6 <b>the handle, wanting to know what this file cabinet was</b> 7 <b>doing in the judge's bathroom and it was locked.</b> 8 <b>Q.</b> What kind of lock was on that door? 9 <b>A. I don't know the brand name, but it was a key lock</b> 10 <b>that goes into the handle and presumably you have to</b> 11 <b>put the key in and unlock it and then you can turn the</b> 12 <b>handle and the doors would open.</b> 13 Q. And you didn't see a padlock? 14 <b>A. No.</b> 15 Q. Did you see a padlock when it was eventually -- when 16 that door was eventually opened? Is that correct? 17 <b>A. No, I never saw a padlock.</b> 18 Q. In the exhibit that's marked as Exhibit 2 -- 19 <b>A. Yeah.</b> 20 Q. -- that's the view of it after the door had been 21 jimmied open? 22 <b>A. What I noticed when I saw that the door was askew was</b> 23 <b>that there was a space and there was another door. I</b> 24 <b>looked inside and I could see a portion of the dial.</b> 25 <b>I didn't open the doors, I didn't go any further, not</b></p>	<p style="text-align: right;">Page 39</p> <p>1 Q. Right, I apologize. 2 <b>A. July 14th was the first time I was aware that that</b> 3 <b>file cabinet contained a safe and as far as I knew,</b> 4 <b>certainly not by my doing, it had not been opened.</b> 5 Q. And the outer door, you'd say that it looked like it 6 had been jimmied? 7 <b>A. Yes.</b> 8 Q. And you don't know who did that? 9 <b>A. I do not.</b> 10 Q. But since you knew it was like that by July 14, 2011, 11 it had to have happened before then? 12 <b>A. Agreed.</b> 13 Q. Prior to July 14, 2011, Judge James and her counsel 14 didn't have any access to the chambers; isn't that 15 correct? 16 <b>A. Yes, that is correct.</b> 17 Q. And you'd been acting as the chief judge from the 18 beginning date was April 14, 2011? 19 <b>A. That's correct.</b> 20 Q. Through July 14, 2011 and thereafter? 21 <b>A. Through the end of the year.</b> 22 Q. All the way to the end of the year was your last day? 23 <b>A. December 31st or whatever the last business day was</b> 24 <b>before the end of the year.</b> 25 Q. Was that bathroom locked as well?</p>
<p style="text-align: right;">Page 38</p> <p>1 my business. Did I see this whole view in Exhibit 2? 2 <b>No. All I saw was, as I said, the steel door and a</b> 3 <b>portion of the dial. And that's when I realized that</b> 4 <b>there was more to this file cabinet than I thought</b> 5 <b>initially.</b> 6 <b>Q. And just so I can understand, what had happened was</b> 7 <b>you said askew, so it was only jimmied open partially?</b> 8 <b>A. Oh, yeah.</b> 9 Q. Okay. So the door wasn't completely open? 10 <b>A. No.</b> 11 Q. Okay. By the time it was removed on July 14, 2011, 12 had the door been fully opened by that time or was it 13 the same? 14 <b>A. Not by me, no. It was the same -- that's what called</b> 15 <b>Mr. Thomas' attention to it, I believe, because he saw</b> 16 <b>that the outer door was askew and he said when did</b> 17 <b>that happen? I said I don't know.</b> 18 Q. And you don't know whether the safe had been opened 19 prior to June 2, 2011, do you? 20 <b>A. June 2nd?</b> 21 Q. Uh-huh. 22 <b>A. You mean July 14th?</b> 23 Q. I'm sorry. 24 <b>A. June 2nd is the date Attorney McPhail and I had</b> 25 <b>conversation.</b></p>	<p style="text-align: right;">Page 40</p> <p>1 <b>A. You mean when I got there?</b> 2 Q. Yeah. 3 <b>A. When I discovered it?</b> 4 Q. Uh-huh. 5 <b>A. No.</b> 6 Q. During the period you served as chief judge, was the 7 <b>bathroom your private bathroom?</b> 8 <b>A. Yes.</b> 9 <b>Q. Was anybody else allowed to use it?</b> 10 <b>A. No.</b> 11 Q. While Judge James was placed on administrative leave 12 and you were serving as chief judge, did you provide 13 any material to the JTC? 14 <b>A. Other than what I've -- directly to them, no.</b> 15 <b>Anything I would have provided to anyone would have</b> 16 <b>been to the State Court Administrative Office.</b> 17 Q. And you're presuming maybe that they were giving it to 18 the JTC? 19 <b>A. I made no presumptions, all I know, I was required to</b> 20 <b>report and I reported.</b> 21 Q. And you testified at the JTC hearings you had 22 mentioned earlier? 23 <b>A. I did.</b> 24 Q. And was your testimony true and correct in all 25 respects?</p>

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<p style="text-align: right;">Page 41</p> <p>1 A. As best I can recall. With the one exception of why 2 we had to wait until July the 14th, I was mistaken 3 when I said that it was because Deb Green could only 4 be there and therefore we had to start at 5:00 and 5 then be there for only one hour when, in fact, I had 6 committed to a writing that it was because I had an 7 hour-and-a-half commute back to Flint. 8 Q. And what did you do to prepare for this deposition 9 today? 10 A. Reviewed my transcript of my JTC testimony and I spoke 11 with counsel. 12 Q. When you say transcript, you're referring to both the 13 days of testimony; is that correct, the entire? 14 A. Well, the direct examination and cross-examination, 15 that's what I'm referring to. 16 Q. Have you reviewed any transcripts of other depositions 17 in this particular case? 18 A. No. 19 Q. Have you had any other conversations about this matter 20 other than with counsel that we haven't discussed? 21 A. No. Unless you count my wife. 22 Q. That might be privileged too. 23 A. It is privileged. 24 MR. FISHER: I don't have any further 25 questions on direct, at least.</p>	<p style="text-align: right;">Page 43</p> <p>1 A. No. 2 Q. Okay. And what was your working relationship like 3 with Ms. Anderson? 4 A. It was excellent. 5 Q. Okay. And did you ever request that Ms. Anderson 6 provide you with documents? 7 A. Travel documents, yes. 8 Q. The travel documents, okay. Any other documents? 9 A. Not that I can recall. 10 Q. Okay. And when you were just starting as the interim 11 court -- as the interim judge, was Ms. Anderson 12 helpful to you? 13 A. Very much so, yes. 14 Q. Okay. And did Ms. Anderson follow your directions? 15 A. She did. 16 Q. Okay. And what was Judge James' chambers like when 17 you first got there? 18 A. A hoarder's delight is I believe how I described it at 19 the JTC hearing. 20 Q. And when you say that, I know what image pops in my 21 head, but can you describe it a little bit? 22 A. There were dolls, there were clearly personal items 23 that were everywhere in that 12 by 12 room that I had 24 never seen a chambers that looked like that. And I've 25 been in a lot of judges' chambers over my career.</p>
<p style="text-align: right;">Page 42</p> <p>1 MR. RATLIFF: I don't have any questions. 2 MS. WOJNAR-RAYCRAFT: I do, but I'd like to 3 take a restroom break. 4 MR. FISHER: Sure. 5 MR. RATLIFF: And cross off some that 6 you've already covered. 7 MR. FISHER: Sure, go ahead, take your 8 time. 9 (Recess taken at 10:42 a.m.) 10 (Back on the record at 10:49 a.m.) 11 EXAMINATION 12 BY MS. WOJNAR-RAYCRAFT: 13 Q. Again, I'm Melissa Raycraft, we represent the City of 14 Inkster and Defendant Pam Anderson in this matter, so 15 I've got some follow-up questions based on that. When 16 you, I believe you testified when you first got to 17 court, you met with Pam Anderson? 18 A. Yes. 19 Q. And you had conversations with Ms. Anderson about 20 court business? 21 A. I did. 22 Q. And other than what you've already testified to today, 23 is there any other topics you discussed with her? 24 A. You mean on that first day? 25 Q. Yes.</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Because it had a lot of personal belongings? 2 A. Yes. 3 Q. As opposed to court business? 4 A. That is correct. 5 Q. Okay. And I believe you testified that you didn't 6 know that there was a restroom that was attached to 7 the chambers? 8 A. I thought that there should be because again, all the 9 chambers that I've been in, each judge has their own 10 individual restroom. I actually had to ask Court 11 Officer Brown, is there a restroom in here? And he 12 showed me where it was and then I knew there was a 13 restroom and I used it. 14 Q. Why couldn't you tell that there was a restroom? 15 A. There were wall hangings, there was I think a 16 calendar, there were items that obscured the handle 17 which would have clued me that there was a door and 18 that's probably where the restroom was. I just drew a 19 blank, I couldn't find it. 20 Q. So you couldn't even see that there was a door? 21 A. That's correct. 22 Q. Okay. And this would be the restroom where the file 23 cabinet/safe was? 24 A. That's correct. 25 Q. Okay. Was there any point that you asked Ms. Anderson</p>



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<p style="text-align: right;">Page 45</p> <p>1 to shred old court documents --</p> <p>2 <b>A. No.</b></p> <p>3 Q. -- from the office?</p> <p>4 <b>A. No.</b></p> <p>5 Q. Okay. And you testified earlier that Nicole James,</p> <p>6 who's also Judge James' niece, boxed up and bagged up</p> <p>7 some documents for Judge James?</p> <p>8 <b>A. Items.</b></p> <p>9 Q. Items?</p> <p>10 <b>A. I don't know what she bagged up because I didn't stand</b></p> <p>11 <b>there and watch her, I just said that I need space to</b></p> <p>12 <b>operate and it's clear that Judge James has some items</b></p> <p>13 <b>in here, would you be willing to box them and then</b></p> <p>14 <b>when she ran out of boxes, you know, bag them.</b></p> <p>15 Q. And you didn't supervise the boxing and the bagging?</p> <p>16 <b>A. I did not.</b></p> <p>17 Q. Was anybody there when she was boxing and bagging?</p> <p>18 <b>A. I don't know.</b></p> <p>19 Q. Do you know if Ms. Anderson was there when Nicole</p> <p>20 James was boxing and bagging?</p> <p>21 <b>A. I'm pretty sure she was not there.</b></p> <p>22 Q. Was not there.</p> <p>23 <b>A. And I say that because at that time, I was not in the</b></p> <p>24 <b>courtroom, I was just doing administrative</b></p> <p>25 <b>responsibilities. So I believe while Nicole James was</b></p>	<p style="text-align: right;">Page 47</p> <p>1 Q. Okay. Then I believe you testified that in April you</p> <p>2 had a phone call with Judge James?</p> <p>3 <b>A. Correct.</b></p> <p>4 Q. Correct?</p> <p>5 <b>A. I assumed it was Judge James, although I'd never</b></p> <p>6 <b>spoken with her and I don't think she identified</b></p> <p>7 <b>herself, but she kept saying I want to come to the</b></p> <p>8 <b>courthouse and get my stuff, I've got permission from</b></p> <p>9 <b>the chief justice to come get my stuff. And I made an</b></p> <p>10 <b>assumptive presumption that that was Judge James.</b></p> <p>11 Q. Okay. On that phone call with who was probably Judge</p> <p>12 James, did Judge James tell you about the safe in the</p> <p>13 bathroom?</p> <p>14 <b>A. No.</b></p> <p>15 Q. Okay. And you testified that you had -- I think it</p> <p>16 was e-mails with Attorney Sharon McPhail on June 2nd,</p> <p>17 correct?</p> <p>18 <b>A. I know there was an exchange, I'm taking everyone's</b></p> <p>19 <b>word for it that it was June 2nd, yeah.</b></p> <p>20 Q. Me too. In that conversation in June-ish with</p> <p>21 Attorney McPhail, did Attorney McPhail tell you there</p> <p>22 was a safe in the bathroom?</p> <p>23 <b>A. No.</b></p> <p>24 Q. Okay. And the conversation that you had with</p> <p>25 Lieutenant Smith, was that on July 14th?</p>
<p style="text-align: right;">Page 46</p> <p>1 doing the collecting and the boxing for me, I was in</p> <p>2 Ms. Anderson's office talking with her about</p> <p>3 administrative matters. I can't, you know, I can't</p> <p>4 pull up --</p> <p>5 Q. Okay.</p> <p>6 <b>A. -- you know, chapter and verse, but I'm pretty sure</b></p> <p>7 <b>that was it because there was no other place for me to</b></p> <p>8 <b>be.</b></p> <p>9 Q. Okay. So while Nicole was collecting and boxing, you</p> <p>10 and Ms. Anderson were in Ms. Anderson's office?</p> <p>11 <b>A. I believe that's correct, yes.</b></p> <p>12 Q. Okay. Do you know if Ms. Anderson ever prevented</p> <p>13 Judge James from getting her belongings or documents</p> <p>14 from her chambers?</p> <p>15 <b>A. You mean other than through me?</b></p> <p>16 Q. Correct.</p> <p>17 <b>A. Independent of me?</b></p> <p>18 Q. Yes.</p> <p>19 <b>A. No.</b></p> <p>20 Q. Do you know if Judge James was prevented from getting</p> <p>21 any documents that she wanted from the chambers?</p> <p>22 <b>A. On July the 14th or before that date?</b></p> <p>23 Q. On July 14th.</p> <p>24 <b>A. She was not prevented from -- anything she wanted was</b></p> <p>25 <b>open for her to take.</b></p>	<p style="text-align: right;">Page 48</p> <p>1 <b>A. No. It was sometime after July the 14th because he</b></p> <p>2 <b>informed me that a complaint, a police complaint had</b></p> <p>3 <b>been lodged by Judge James through her attorney,</b></p> <p>4 <b>Mr. Thomas, regarding the safe.</b></p> <p>5 Q. Okay. So it was after the July 14th?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. Okay. And then you said -- you testified that on</p> <p>8 July 15th, you received a document request from</p> <p>9 Attorney Thomas?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. Do you recall if any of those document requests were</p> <p>12 related to documents from the safe?</p> <p>13 <b>A. I wouldn't know that.</b></p> <p>14 Q. Okay.</p> <p>15 <b>A. I don't know the basis for what he was asking for, all</b></p> <p>16 <b>I know, that we had this list of 25 items and we did</b></p> <p>17 <b>our best to comply with getting him what he was asking</b></p> <p>18 <b>for. So I guess flipping it around, nothing that we</b></p> <p>19 <b>would have provided would have been in the safe</b></p> <p>20 <b>because the safe was gone after July the 14th.</b></p> <p>21 Q. Okay. And let me back up. The day that Nicole James</p> <p>22 was boxing up items, did Nicole bring up the safe on</p> <p>23 that day?</p> <p>24 <b>A. No.</b></p> <p>25 Q. Okay. So did -- and I think I know the answer to</p>

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<p style="text-align: right;">Page 49</p> <p>1 these questions, but I'm going to ask them anyways for</p> <p>2 a clearer record. Did Sharon McPhail ever tell you</p> <p>3 about the safe?</p> <p>4 <b>A. No.</b></p> <p>5 Q. Okay. Did Nicole James ever tell you there was a</p> <p>6 safe --</p> <p>7 <b>A. No.</b></p> <p>8 Q. -- in the bathroom?</p> <p>9 <b>A. No.</b></p> <p>10 Q. Did Pamela Anderson ever tell you about a safe in the</p> <p>11 bathroom?</p> <p>12 <b>A. No.</b></p> <p>13 Q. And did anyone else ever tell you there was a safe in</p> <p>14 the bathroom?</p> <p>15 <b>A. No.</b></p> <p>16 Q. Until July 14th?</p> <p>17 <b>A. No.</b></p> <p>18 Q. And did you have keys to the safe?</p> <p>19 <b>A. No.</b></p> <p>20 Q. Okay. Do you know if there's any other way to open</p> <p>21 the safe, other than a key?</p> <p>22 <b>A. You can blow it up, you could pick the lock, you could</b></p> <p>23 <b>jimmy it, I mean, anything in Hollywood and the</b></p> <p>24 <b>writers tell me about is a way to get open a safe.</b></p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 51</p> <p>1 <b>A. I don't know who opened the safe.</b></p> <p>2 Q. Okay. Do you think Ms. Anderson would have any reason</p> <p>3 to open the safe?</p> <p>4 <b>A. Nope.</b></p> <p>5 Q. Okay. So who do you think opened the safe?</p> <p>6 <b>A. I think it was Gregory Hill.</b></p> <p>7 Q. And who's Gregory Hill?</p> <p>8 <b>A. Gregory Hill was an employee in the clerk's office,</b></p> <p>9 <b>and as I understand his pedigree or his background, he</b></p> <p>10 <b>had been, I'll call him a very high up placed official</b></p> <p>11 <b>in the City of Inkster Police Department. He was</b></p> <p>12 <b>called to testify in a case, a civil case that was</b></p> <p>13 <b>brought against the City of Inkster and apparently</b></p> <p>14 <b>gave inconsistent testimony. I won't call it perjury</b></p> <p>15 <b>because there's certain standards for perjury, but his</b></p> <p>16 <b>inconsistent testimony was called to the jury's</b></p> <p>17 <b>attention and a substantial verdict was rendered</b></p> <p>18 <b>against the City of Inkster.</b></p> <p>19 <b>He was then fired from the police</b></p> <p>20 <b>department because of his inconsistent testimony, and</b></p> <p>21 <b>it's my understanding that Judge James reached out to</b></p> <p>22 <b>Mr. Hill and offered him employment in the clerk's</b></p> <p>23 <b>office. And when I arrived on April the 14, 2011, he</b></p> <p>24 <b>was employed in the clerk's office as a clerk. I</b></p> <p>25 <b>didn't know anything about him. I had never met him.</b></p>
<p style="text-align: right;">Page 50</p> <p>1 <b>A. Do I personally know how to do it? No, I don't</b></p> <p>2 <b>personally know how to do it.</b></p> <p>3 Q. Okay. Do you know if -- do you know of anybody that</p> <p>4 had a key to the safe?</p> <p>5 <b>A. No.</b></p> <p>6 Q. Okay. Do you know if Pamela Anderson had a key to the</p> <p>7 safe?</p> <p>8 <b>A. I do not.</b></p> <p>9 Q. Okay. Do you know if Pamela Anderson had any other</p> <p>10 way other than blowing it up, a way to open the safe?</p> <p>11 <b>A. Well, are you talking about the external doors or the</b></p> <p>12 <b>internal door that's in Exhibit 2?</b></p> <p>13 Q. Let's do both.</p> <p>14 <b>A. Clearly someone jimmied the external doors.</b></p> <p>15 Q. Right.</p> <p>16 <b>A. That's what called it to Mr. Thomas' attention and my</b></p> <p>17 <b>attention frankly.</b></p> <p>18 Q. Okay.</p> <p>19 <b>A. In terms of what was inside, I don't know. As I said,</b></p> <p>20 <b>I didn't see it in full view, I didn't look at it in</b></p> <p>21 <b>full view, as far as I recall. All I remember seeing</b></p> <p>22 <b>was a portion of the metal door and a little bit of</b></p> <p>23 <b>the combination dial.</b></p> <p>24 Q. Okay. Do you think it was Ms. Anderson who opened the</p> <p>25 safe?</p>	<p style="text-align: right;">Page 52</p> <p>1 I talked to all employees, talked to him privately</p> <p>2 about, you know, what we had to do and how we were</p> <p>3 going to do it. It wasn't until sometime later that I</p> <p>4 found out what I just have recited to you.</p> <p>5 So it wasn't my firsthand knowledge about</p> <p>6 his background, but, you know, people talk in</p> <p>7 environments and, you know, I got through an indirect</p> <p>8 means and I don't recall who told me, his, what I'm</p> <p>9 going to call history/pedigree. And so the thing that</p> <p>10 confounded me, and now that I look back on it, I have</p> <p>11 a different view than I had clearly initially, was</p> <p>12 that Gregory Hill would have never been in the</p> <p>13 courtroom with me. He was not a courtroom clerk. So</p> <p>14 whoever did what they did to the outer doors of the</p> <p>15 safe did it while I was in the courtroom. So it</p> <p>16 wouldn't have been the clerk who was in the courtroom</p> <p>17 with me and I don't remember which one, but I know it</p> <p>18 wasn't Gregory Hill. I knew it wasn't my court</p> <p>19 officers, Bennett or Brown. And by process of</p> <p>20 elimination, just in terms of my reading people, if</p> <p>21 anyone would have had the means, the opportunity, to</p> <p>22 go into the chambers and into the safe, it would have</p> <p>23 been a male probably and Greg was the only other male</p> <p>24 there.</p> <p>25 <b>Now, the other thing that struck me about</b></p>



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<p style="text-align: right;">Page 53</p> <p>1 the whole scene, if you will, is that in a burglary or 2 somebody who's looking for something, things are 3 askew, things are thrown around, they're disheveled, 4 nothing like that occurred in my chambers, and in 5 fact, as I said, I didn't even realize that there had 6 been what I'll call a breaking into the safe file 7 cabinet until it was -- until I saw the door was askew 8 and then, you know, again, I didn't connect the dots. 9 But then when it was described as a breaking in by 10 Attorney Thomas, there was nothing, if you're looking 11 for something in a safe, you're pulling things out, 12 you don't care where it's thrown, nothing like that 13 was there. So to me it was somebody who knew what 14 they were looking for, knew how to get into the safe 15 and got into the safe.</p> <p>16 Q. Do you think that Mr. Hill would have known what the 17 contents were in the safe?</p> <p>18 A. I think whoever broke into the safe knew what they 19 were looking for, yes.</p> <p>20 Q. And whoever broke into the safe, what do you think 21 they did with the contents of that?</p> <p>22 A. Well, I wouldn't know. They either took it or didn't 23 take it, but all I know is that because of what I'm 24 going to call the surgical nature of the break-in, it 25 was someone who knew what they were looking for.</p>	<p style="text-align: right;">Page 55</p> <p>1 Because until that July 4th holiday I was only doing 2 administrative matters, so that to me is the window of 3 opportunity that whoever broke in made use of.</p> <p>4 Q. Okay. And from what you recall, Mr. Hill would have 5 been there during that point in time?</p> <p>6 A. You mean employed there?</p> <p>7 Q. Yes.</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 MS. WOJNAR-RAYCRAFT: I think that's all I 11 have.</p> <p>12 MR. FISHER: I just have -- go ahead, I'm 13 sorry.</p> <p>14 MR. POWE: I have no questions, but go 15 ahead.</p> <p>16 RE-EXAMINATION</p> <p>17 BY MR. FISHER:</p> <p>18 Q. I just have a very brief follow-up. Judge Washington, 19 regarding the Gregory Hill, you'd indicated that you 20 thought that he may have broken into the safe by 21 process of elimination because you knew the other 22 folks were in the courtroom with you; is that correct?</p> <p>23 A. No. There was one other clerk in the courtroom. 24 Before that time, I had individual interviews with 25 every single member of the clerk's staff. And just</p>
<p style="text-align: right;">Page 54</p> <p>1 Q. Okay. On the July 14th date --</p> <p>2 A. Yes.</p> <p>3 Q. -- when Judge James was getting her items, the rest of 4 her items and Mr. Thomas pointed out to you that the 5 safe had been opened, was Ms. Anderson there when 6 Mr. Thomas pointed that out?</p> <p>7 A. I don't believe that she was because of the limited 8 amount of space and the time of day. Remember, this 9 was all after 5:00, and I remember Mr. Thomas and I 10 being in the bathroom. I think he came out into the 11 hallway to get me to show this to me at that time, and 12 I said, okay.</p> <p>13 Q. It was just the two of you?</p> <p>14 A. As far as I can recall, yes.</p> <p>15 Q. Okay.</p> <p>16 A. There wouldn't have been space in the bathroom for 17 anybody else, that I can tell you.</p> <p>18 Q. Do you think that there is any time that Ms. Anderson 19 could have taken any documents out of the safe?</p> <p>20 A. I have no way of knowing that. I mean, clearly when 21 I'm in the courtroom doing the court's business, I 22 can't tell what's going on in the chambers. You know, 23 now that, now that we're talking about it, I think the 24 window of when that was done had to be between 25 July 4th and July the 14th. Why do I say that?</p>	<p style="text-align: right;">Page 56</p> <p>1 from that process of talking to people, looking at 2 them, I formed, you know, a conclusion. Then when I 3 got the back story about Mr. Hill's background, that 4 further added to my thought process about who may have 5 broken into the safe.</p> <p>6 Q. What was it about his back story that made you think 7 that he may have broken into the safe?</p> <p>8 A. He lied under oath, he was impeached, he caused a huge 9 verdict to be imposed against his employer, the City 10 of Inkster. That's not something that -- I mean it 11 wasn't a mistake, you know, people say oh, yeah, I 12 forgot about that. From what I understand, he said X 13 and it was Y. And when that impeachment took place, 14 the jury kind of reared back and thought oh, okay, 15 then there was substantial verdict that was rendered.</p> <p>16 Q. Do you think he had motive to break into the safe, 17 though?</p> <p>18 A. Do I think he had a motive?</p> <p>19 Q. Yes.</p> <p>20 A. Yeah, I do think he had a motive.</p> <p>21 Q. What do you think that was?</p> <p>22 A. I think this whole thing was orchestrated by Judge 23 James, her and Mr. Hill orchestrated this break-in, 24 this so called break-in so that if, in fact, she was 25 bounced by the Tenure Commission, removed from the</p>

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<p style="text-align: right;">Page 57</p> <p>1 bench, she would have a fallback position, i.e., my 2 personal property was violated, this terrible thing 3 happened to me and my rights were violated, that's 4 what I think happened. I really do. 5 Q. You indicated earlier that you weren't certain that 6 whether Pam Anderson was or was not -- did or did not 7 have access to the safe while you were in the 8 courtroom; is that correct? 9 A. Yes, that's true. 10 Q. So you can't say for sure that it wasn't Ms. Anderson? 11 A. Absolutely right. 12 MR. FISHER: I have nothing further. 13 RE-EXAMINATION 14 BY MS. WOJNAR-RAYCRAFT: 15 Q. I just have a follow-up on that. You testified that 16 you think it was a male that probably opened the safe? 17 A. Right. 18 Q. Why do you think that? 19 A. Well, you had to have a certain amount of strength in 20 order to -- you'd have -- first of all, you'd have to 21 know what kind of tool to use to get underneath or get 22 into an opening that would allow you to pry. Most 23 males, you know, being a little sexist here, I'm not 24 trying to be, but most males are familiar with tools, 25 many women are not. So that is one factor that goes</p>	<p style="text-align: right;">Page 59</p> <p>1 Ms. Anderson, the only other person would have been 2 Gregory Hill. 3 MR. FISHER: I don't have any further 4 questions. 5 MS. WOJNAR-RAYCRAFT: I'm good. 6 MR. POWE: We're all done. 7 MR. FISHER: Just E-Tran. 8 MS. WOJNAR-RAYCRAFT: E-Tran. 9 MR. FISHER: You can take exhibits. 10 MR. RATLIFF: We don't need one. 11 MR. POWE: E-Tran, thank you. 12 (The deposition was concluded at 11:12 a.m. 13 Signature of the witness was not requested by 14 counsel for the respective parties hereto.) 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 58</p> <p>1 in. There was clearly some sort of tool used that 2 pried the outer door open. And the other thing is 3 strength, you know, I mean, I like Pam, but she was 4 nobody's Ms. America in terms of body building, and I 5 would not have ascribed that kind of strength to her 6 in terms of what would have been necessary to pry open 7 those doors. 8 MS. WOJNAR-RAYCRAFT: Okay, thank you. 9 RE-EXAMINATION 10 BY MR. FISHER: 11 Q. I just have one more real quick one. You don't -- 12 you're not saying that it would be impossible if 13 Ms. Anderson was interested in getting into the safe 14 that she could have had a person help her that may 15 have had the strength if she did not have the 16 strength? 17 A. Well, here's the point. You're asking me a lot of 18 notes, so let me see if I can clarify it to answer your 19 question. Whenever this was done, it would have been 20 done during business hours and it would have been done 21 while I was in the courtroom. Therefore the only 22 person who could have gone in there, persons who could 23 have gone into the judges' chambers would have been 24 court employees. So by process of elimination, if 25 you're going to ascribe this misconduct to</p>	<p style="text-align: right;">Page 60</p> <p>1 CERTIFICATE OF NOTARY 2 STATE OF MICHIGAN ) 3 ) SS 4 COUNTY OF WAYNE ) 5 6 I, KATHRYN L. JANES, certify that this 7 deposition was taken before me on the date 8 hereinbefore set forth; that the foregoing questions 9 and answers were recorded by me stenographically and 10 reduced to computer transcription; that this is a 11 true, full and correct transcript of my stenographic 12 notes so taken; and that I am not related to, nor of 13 counsel to, either party nor interested in the event 14 of this cause. 15 16 17 18 19 20 21 22 23 24 25</p> <div style="text-align: right;">  <p>KATHRYN L. JANES, CSR-3442 Notary Public, Wayne County, Michigan. My Commission expires: October 22, 2022</p> </div>

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<b>A</b>	<b>African-Amer...</b>		<b>area</b> 27:10,25 32:11	<b>assumptive</b> 47:10
<b>a.m</b> 1:18 5:3	10:7	15:4 28:9		
11:8 17:14	<b>afternoon</b> 27:22	48:25 58:18	<b>arrangements</b> 35:16	<b>attached</b> 4:20 44:6
42:9,10 59:12	<b>agreed</b> 9:4 10:17	<b>answered</b> 31:15	<b>arrival</b> 34:17	<b>attempt</b> 12:25 13:13
<b>able</b> 12:8	19:4 22:9	<b>answers</b> 5:18 60:9	<b>arrived</b> 11:18	<b>attend</b> 12:17
<b>absolutely</b> 24:11	32:13 39:12	<b>anybody</b> 9:24	16:4 27:12	<b>attention</b> 11:14 26:2 38:15
57:11	<b>ahead</b> 29:21	12:16 14:4,21	51:23	50:16,17 51:17
<b>access</b> 39:14	31:16 33:15	18:11 21:24	<b>arts</b> 6:23	<b>attorney</b> 2:13 19:9 23:12
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